



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6, 1445 ROSS AVENUE, DALLAS, TEXAS 75202-2733

## EXPEDITED SPILL SETTLEMENT AGREEMENT

DOCKET NO. CWA-06-2003-4545

On December 11, 2002

Time \_\_\_\_\_

At: Denbury Resources, Inc., Common Tank Battery No. 2,  
Lirette Oil & Gas Field, Terrebonne Parish, Louisiana

(Respondent) discharged 5 barrels of oil in violation of Section 311(b)(3) of the Clean Water Act (the Act), as noted on the attached FINDINGS and ALLEGED CIVIL VIOLATIONS FORM (Form), which is hereby incorporated by reference.

The parties are authorized to enter into this Expedited Settlement under the authority vested in the Administrator of EPA by Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Oil Pollution Act of 1990, and by 40 CFR § 22.13(b). The parties enter into this Expedited Settlement in order to settle the civil violations described in the Form for a penalty of \$ 500.00.

This settlement is subject to the following terms and conditions:

EPA finds the Respondent's conduct is subject to the discharge prohibition of Section 311(b)(3) of the Act, as described in that statute and further described by 40 CFR § 110.3. The Respondent admits he/she is subject to Section 311(b)(3) and that EPA has jurisdiction over the Respondent and the Respondent's conduct as described in the Form. Respondent does not contest the Findings, and waives any objections it may have to EPA's jurisdiction. Respondent consents to the assessment of the penalty stated above. Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that it has investigated the cause of the spill, it has cleaned up the spill pursuant to the federal requirements, and it has taken corrective actions that will prevent future spills. The Respondent also verifies that it has sent a certified check for \$ 500.00 payable to the "Oil Spill Liability Trust Fund" to: "OPA Enforcement Coordinator, U.S. Environmental Protection Agency, Region 6 (6SF-R), 1445 Ross Avenue, Dallas, Texas 75202-2733." Respondent has noted on the penalty payment check "EPA" and the docket number of this case, "CWA-06-2003-4545."

Upon signing and returning this Expedited Settlement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to Section 311 of the Act, and consents to EPA's approval of the Expedited Settlement without further notice.

If the Respondent does not sign and return this Expedited Settlement as presented within 30 days of the date of its receipt, the proposed Expedited Settlement is withdrawn without prejudice to EPA's ability to file any other enforcement action for the violations identified in the Form.

After this Expedited Settlement becomes effective, EPA will take no further action against the Respondent for the violations of Section 311(b)(3) of the Act described in the Form. However, EPA does not waive any rights to take any

enforcement action for any other past, present, or future violations by the Respondent of Section 311(b)(3) of the Act or of any other federal statute or regulation. By its first signature, EPA ratifies the Findings and Alleged Violations set forth in the Form.

This Expedited Settlement is binding on the parties signing below, and is effective upon EPA's filing of the document with the Regional Hearing Clerk.

APPROVED BY EPA:

Susan O. DeWitt Date: 5/27/03  
Charles A. Gazda  
Chief, Response and Prevention Branch  
Superfund Division

APPROVED BY RESPONDENT:

Name (print): Randy J. Robichaux

Title (print): Environmental Manager

Randy J. Robichaux Date 06/06/03  
Signature

IT IS SO ORDERED:

Myron O. Knudson Date 7/10/03  
Myron O. Knudson, P.E.  
Director  
Superfund Division

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